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KMCA, HK
SUBJECT: SUBMISSION FOR 2010 TRAFFICKING IN PERSONS REPORT:
HONG KONG

REF: A. 10 SECSTATE 2094
[B.](#) 10 HONG KONG 76

[¶1.](#) (U) Per reftel A, the following are post's contributions to the tenth annual Trafficking in Persons (TIP) report for the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China. Subheadings and answers correspond to questions posed in paragraphs 25-30 of reftel [¶1A](#).

Para 25: THE COUNTRY'S TIP SITUATION

-- A. What is (are) the source(s) of available information on human trafficking? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

(SBU) The Hong Kong government (HKG), human rights, labor, and migrant workers' non-government organizations (NGOs) all maintain a high level of interest and scrutiny on TIP-related issues. The HKG responds promptly to Post's requests for information. NGOs regularly share their findings and observations with Post. Information from this wide range of sources has generally been reliable.

-- B. Is the country a country of origin, transit, and/or destination for men, women, or children subjected to conditions of commercial sexual exploitation, forced or bonded labor, or other slave-like conditions? Are citizens or residents of the country subjected to such trafficking conditions within the country? If so, does this internal trafficking occur in territory outside of the government's control (e.g. in a civil war situation)? From where are people recruited or from where do they migrate prior to being subjected to these exploitative conditions? To what other countries are people trafficked and for what purposes? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

(SBU) Hong Kong is not a significant point of origin, transit, and/or destination for internationally trafficked men, women or children. Sex trafficking cases detected by the government, NGOs, and foreign consulates usually involved women recruited from rural areas of mainland China and Southeast Asian countries who believed they would be employed in restaurants, bars and hotels, but upon arrival were coerced into prostitution through debt bondage or physical coercion. Women, primarily from mainland China and Southeast Asia, continued to travel to Hong Kong of their own volition to engage in sex work.

(SBU) Some foreign domestic workers (FDWs), particularly those from Indonesia, face high levels of indebtedness assumed in their home countries as part of the terms of employment, which can in some cases lead to situations of debt bondage if unlawfully exploited by recruiters or employers.

-- C. To what kind of conditions are the trafficking victims subjected?

(SBU) While many women come to Hong Kong willingly to engage in prostitution, previously documented cases suggest a small number are lured by criminal syndicates or acquaintances and deceived about the nature of their future work. Once in Hong Kong, they are forced into prostitution under conditions of debt bondage or physical coercion. Traffickers sometimes hold onto the women's travel documents until debts incurred for travel to Hong Kong and for accommodations and subsistence while in Hong Kong are paid.

-- D. Vulnerability to TIP: Are certain groups of persons more at risk of human trafficking (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)? If so, please specify the type of exploitation for which these groups are most at risk (e.g., girls are more at risk of domestic servitude than boys).

(SBU) Previously documented trafficking cases have typically involved women from poor rural areas of mainland China and Southeast Asia, particularly Thailand and the Philippines.

-- E. Traffickers and Their Methods: Who are the

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traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to gain direct access to victims? For example, are the traffickers recruiting victims through lucrative job offers? Are victims sold by their families, or approached by friends of friends? Are victims "self-presenting" (approaching the exploiter without the involvement of a recruiter or transporter)? If recruitment or transportation is involved, what methods are used to recruit or transport victims (e.g., are false documents being used)? Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

(SBU) Previously documented trafficking cases in Hong Kong and anecdotal accounts from NGOs suggest criminal syndicates sometimes facilitate illegal migrants entering Hong Kong with fraudulent documents and/or establishing themselves in the city. Information from NGOs continues to suggest women are approached by acquaintances from their home village/town and promised service industry jobs such as waitressing, foot massaging, car washing, and cleaning. However, upon arrival, they find themselves forced into prostitution in order to pay back significant debt incurred in coming to Hong Kong.

Para 26: SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS

-- A. Does the government acknowledge that human trafficking is a problem in the country? If not, why not?

(SBU) The Hong Kong government acknowledges occasional cases of labor exploitation of FDWs might occur, but maintains TIP is not a systemic problem in the territory. While the HKG contends trafficking cases continue to be rare in Hong Kong, it also insists its law enforcement agencies are willing and capable of utilizing all relevant laws and tools to pursue trafficking crimes when identified.

-- B. Which government agencies are involved in efforts to combat sex and labor trafficking - including forced labor - and, which agency, if any, has the lead in these efforts?

(SBU) The Joint Investigative Team (JIT) on Human Smuggling, formed in 1998 to combat organized human smuggling, coordinates Police, Immigration and Customs Department enforcement efforts and maintains links with private sector organizations, NGOs and local and international bodies involved in combating human smuggling. They also monitor the implementation of the government's anti-trafficking policies and recommend appropriate strategies and tactical responses.

(SBU) The Security Bureau (SB) has policy responsibility for illegal immigration and TIP and administrative control over the police, customs and immigration departments which are responsible for enforcing laws used to combat trafficking.

(SBU) The Social Welfare Department (SWD) and the Hospital Authority (HA) are responsible for coordinating and implementing victim support and assistance programs. The Labor Department oversees policies on FDW, handles complaints filed by FDWs, and carries out awareness and education campaigns on FDW rights.

-- C. What are the limitations on the government's ability to address these problems in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

(SBU) With a sophisticated legal system, a highly professional law enforcement apparatus and adequate funding, the HKG has the infrastructure to address TIP problems. However, police officials have often pointed to a victim's unwillingness to press charges as a major obstacle in their efforts to pursue TIP offenders.

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

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(SBU) The Security Bureau (SB) regularly reviews and closely monitors the performance of the law enforcement agencies' (LEAs) anti-trafficking efforts. LEAs are expected to carefully document all cases where trafficking is suspected. SB monitors daily police reports for confirmed or suspected trafficking cases and seeks further details from the appropriate police unit for follow-up and reporting. When reviewing deportation orders, SB is alert to possible trafficking victims amongst the proposed deportees. The Hong Kong Police (HKP) provides SB with a quarterly "Trafficking in Women" report. HKP's Organized Crime and Triad Bureau (OCTB), the unit responsible for investigating human trafficking cases, also produces biannual reports for the JIT. While the above reports are for internal consumption, the HKG continues to respond promptly to Post's requests for information throughout the year.

-- E. What measures has the government taken to establish the identity of local populations, including birth registration, citizenship, and nationality?

(SBU) Hong Kong's Registration of Persons Ordinance (Cap. 17) and its subsidiary regulations require the mandatory registration of all individuals for the issuance, possession, production and application of Hong Kong Identification cards. Birth and death registrations are governed by the Births and Deaths Registration Ordinance (Cap. 174). Chinese citizens who have the right of abode in the Hong Kong SAR and hold

valid Hong Kong Permanent Identity Cards are eligible for the HKSAR passport.

--F. To what extent is the government capable of gathering the data required for an in-depth assessment of law enforcement efforts? Where are the gaps? Are there any ways to work around these gaps?

(SBU) The Security Bureau oversees all the law enforcement entities involved in fighting human trafficking and is capable of gathering the data needed for an in-depth assessment of law enforcement efforts.

Para 27: INVESTIGATION AND PROSECUTION OF TRAFFICKERS

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

-- A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both sexual exploitation and labor? If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language (actual copies preferable) of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt). Does the law(s) cover both internal and transnational forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

(SBU) While Hong Kong does not have a comprehensive law prohibiting all forms of trafficking, specific provisions in the Crimes Ordinance (Sections 129 and 134 of Cap. 200; July 1, 1997) and the Offences Against Persons Ordinance (Cap 212, July 1, 1997) enable law enforcement authorities to take action against sex trafficking crimes. Section 129 of Crimes Ordinance makes it an offense for a person to take part in "bringing another person into, or taking another person out of, Hong Kong for the purposes of prostitution," regardless of whether the other person consented, knew the purpose, or received any advantage. This offense is punishable by up to 10 years' imprisonment. Section 134 criminalizes "detention for intercourse or in a vice establishment." It cites "a person who in any manner or by any means detains another person against his or her will (a) with the intention that the other person shall do an unlawful sex act; or (b) on any premises or vessel, or in any place, kept as a vice establishment" shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 14 years. Additionally, under the Offences Against Persons Ordinance, traffickers who have detained a person against

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his/her will may be subject to heavier penalties, up to a maximum of life imprisonment.

(SBU) Hong Kong uses its Employment and Theft Ordinances to prosecute labor violations and related offenses. Hong Kong's Bill of Rights Article 4 bans forced and bonded labor. Under the Employment Ordinance (EO, Cap. 57), employers who violate contract terms or minimum wage requirements (the latter only applies to FDWs) can be fined and imprisoned. Any employer who pays less than the legal minimum wage for FDWs can be fined HKD 350,000 (USD 44,870) and imprisoned up to three years. Employers or employment agencies who illegally withhold a FDW's passport can be prosecuted for blackmail under the Theft Ordinance (maximum penalty 14 years) or for "obtaining property by deception" by which "any person who by any deception dishonestly obtains property belonging to

another, with the intention of permanently depriving the other of it, shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 10 years."

(SBU) The Employment Ordinance regulates the operation of employment agencies (EAs) in Hong Kong. An EA is only allowed to charge job-seekers (including FDWs) a commission of not more than 10% of the first month's wages received upon successful placement. Overcharging is a criminal offense and carries a maximum fine of HK\$50,000 (US\$6,410). The license of an offending EA may also be revoked upon conviction, and the Commissioner for Labor may refuse to issue or renew a license, or may revoke a license, if (1) he is satisfied on reasonable grounds that an employment agency is being, or is likely to be, used for unlawful or immoral purposes, or (2) if a person operating or intending to operate an employment agency has, within the preceding five years, been convicted of an offense against a child, young person or woman or of an offense involving membership of a triad society, fraud, dishonesty or extortion (Sec. 53(1)(c)(ii) of Cap. 57).

-- B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for the trafficking of persons for commercial sexual exploitation, including for the forced prostitution of adults and the prostitution of children?

(SBU) Section 129 of the Crimes Ordinance makes it an offense for a person to take part in "bringing another person into, or taking another person out of, Hong Kong for the purposes of prostitution," regardless of whether the other person consented, knew the purpose, or received any advantage. This offense is punishable by up to 10 years' imprisonment. Section 130 of the Crimes Ordinance prescribes 14 years' imprisonment for a person who "harbours another person or exercises control or direction over another person with the intention that person shall do unlawful sex acts with others." Section 134 criminalizes "detention for intercourse or in a vice establishment." It cites "a person who in any manner or by any means detains another person against his or her will (a) with the intention that the other person shall do an unlawful sex act; or (b) on any premises or vessel, or in any place, kept as a vice establishment" shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 14 years.

-- C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for labor trafficking offenses, including all forms of forced labor? If your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to compelled service in the destination country? If your country is a destination for labor migrants (legal/regular or illegal/irregular), are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of labor trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of compelled service, or withhold payment of salaries as means of keeping the worker in a state of compelled service?

(SBU) Hong Kong uses its Employment and Theft Ordinances to prosecute labor violations and related offenses. Hong Kong's Bill of Rights Article 4 bans forced and bonded labor. Under the Employment Ordinance (EO, Cap. 57), employers who violate contract terms or minimum wage requirements (the latter only applies to FDWs) can be fined and imprisoned. Any employer who pays less than the legal minimum wage for FDWs can be

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fined HKD 350,000 (USD 44,870) and imprisoned up to three years. Employers or employment agencies who illegally withhold a FDW's passport can be prosecuted for blackmail

under the Theft Ordinance (maximum penalty 14 years) or for "obtaining property by deception" by which "any person who by any deception dishonestly obtains property belonging to another, with the intention of permanently depriving the other of it, shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 10 years."

(SBU) The Employment Ordinance regulates the operation of employment agencies (EAs) in Hong Kong. An EA is only allowed to charge job-seekers (including FDWs) a commission of not more than 10% of the first month's wages received upon successful placement. Overcharging is a criminal offense and carries a maximum fine of HK\$50,000 (US\$6,410). The license of an offending EA may also be revoked upon conviction, and the Commissioner for Labor may refuse to issue or renew a license, or may revoke a license, if (1) he is satisfied on reasonable grounds that an employment agency is being, or is likely to be, used for unlawful or immoral purposes, or (2) if a person operating or intending to operate an employment agency has, within the preceding five years, been convicted of an offense against a child, young person or woman or of an offense involving membership of a triad society, fraud, dishonesty or extortion (Sec. 53(1)(c)(ii) of Cap. 57).

-- D. What are the prescribed penalties for rape or forcible sexual assault? (NOTE: This is necessary to evaluate a foreign government's compliance with TVPA Minimum Standard 2, which reads: "For the knowing commission of any act of sex trafficking... the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault (rape)." END NOTE)

(SBU) Under the Crimes Ordinance, rape (Section 118 of Cap. 200) and non-consensual sodomy (Section 118A of Cap. 200) carry maximum penalties of life imprisonment.

-- E. Law Enforcement Statistics: Did the government take legal action against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted trafficking offenders who received suspended sentences and the number who received only a fine as punishment. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). What were the actual punishments imposed on convicted trafficking offenders? Are they serving the time sentenced? If not, why not?

(SBU) The Hong Kong government took legal action against two sex trafficking cases during the reporting period. In August 2009, the Philippines consulate informed the HKP that two Filipinas had sought help from the consulate after being forced to work as prostitutes in a nightclub. A family acquaintance had misled them to believe they would be working as waitresses. The HKP launched an undercover operation with police officers posing as potential clients that resulted in the arrest of two HK-based Filipina traffickers. The case was heard in District Court February 1-3, and a verdict is expected at the end of February.

(SBU) The second case involved a Thai woman who was invited by her neighbor to travel to Hong Kong for sightseeing in September 2009. Upon arrival in Hong Kong, the neighbor brought the victim to a brothel. The victim refused to engage in prostitution and managed to escape. She filed a report at a local police station and helped authorities locate the brothel where she had worked. The neighbor had already left Hong Kong, but using immigration records and with assistance from the Royal Thai consulate, the police was able to identify the trafficker and arrest her when she attempted to enter Hong Kong in October. The case is scheduled to go to trial in March.

(SBU) While no labor trafficking cases were detected during the reporting period, Hong Kong labor authorities did take numerous legal actions against various violations of the Employment Ordinance. The Labor Department conducted 940 inspections of employment agencies and revoked the licenses of two EAs for overcharging FDWs. The two EAs were also fined

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HKD 6000 (USD 770) each. The Labor Department also levied 122 fines against FDW employers for either underpayment or non-payment of wages. One employer was sentenced to nine months' imprisonment (which was reduced to 3 months after appeal), and the rest were fined, with the highest fine being HKD 90,000 (USD 11,540).

-- F. Does the government provide any specialized training for law enforcement and immigration officials on identifying and treating victims of trafficking? Or training on investigating and prosecuting human trafficking crimes? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

(SBU) Front-line police officers continued to receive training on victim identification and investigative techniques during their initial police academy studies. Those who enter the officer corps, especially if they are assigned to the Organized Crime and Triad Bureau (OCTB), the unit responsible for investigating TIP crimes, receive additional internal training.

(SBU) In 2009, representatives from the police and immigration departments actively participated in various regional and international conferences/seminars on human trafficking. Police and immigration officers attended the Senior Officers' Meeting of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime in Australia in February. In June, an immigration officer attended a week-long USG-sponsored Forced Child Labor/Human Trafficking/Child Sex Tourism Workshop held in Manila. Post in October organized a two-day seminar for an ICE investigator and DOJ prosecutor to share their expertise with over 40 frontline police, immigration and customs officers. Topics covered included investigative techniques, case scenarios, prosecution of cases, interview techniques, victim identification and empowerment, and working with NGOs. Several police officers attended the November Trafficking In Persons course held at the International Law Enforcement Academy in Bangkok. At the HKG's request, the local ICE Attache in November provided a three-hour block of training on victim identification and assistance to approximately 40 immigration officers.

--G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

(SBU) While Hong Kong law enforcement agencies did not have any joint investigations with other governments during the reporting period, they continued to participate regularly in international conferences and seminars on transnational crime, immigration control, document fraud, and victim identification. The HKG worked closely with the Philippines Consulate General in pursuing the above-mentioned case.

(SBU) Recognizing that many Indonesian FDWs arrive in Hong Kong with a large amount of debt incurred from fees charged by recruitment firms in Indonesia, Hong Kong's Secretary for Labor and Welfare has repeatedly been pressuring the Indonesian government on ways to reduce the amount of fees charged to FDWs in an effort to reduce the debt burden incurred in Indonesia.

-- H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide

the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

(SBU) Hong Kong currently has extradition agreements with sixteen countries for the surrendering of fugitives, including for trafficking crimes. Agreements have been signed but have not yet come into force with an additional two countries. No extraditions related to trafficking occurred during the reporting period.

-- I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

(SBU) There was no evidence or allegations of government involvement in or tolerance of trafficking during the reporting period.

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-- J. If government officials are involved in human trafficking, what steps has the government taken to end such complicity? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related criminal activities during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

(SBU) There was no evidence or allegations of government involvement in or tolerance of trafficking during the reporting period.

-- K. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

(SBU) Not applicable to Hong Kong.

-- L. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

(SBU) Hong Kong does not have an identified child sex tourism problem.

Para 28: PROTECTION AND ASSISTANCE TO VICTIMS

-- A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

(SBU) Under the Witness Support Programme established in 1996, specially trained HKP officers provide protection and support for victims and witnesses throughout the investigation and

prosecution phases and court proceedings. Past and current trafficking cases indicate Hong Kong law enforcement provide these protections in practice. In 2007, Hong Kong police provided protection for six Filipina trafficking victims throughout the course of the investigation and trial in which they testified. The police also traveled to the Philippines to meet with relevant government departments to discuss how to ensure the safety of the victims and their reintegration into society. After the conviction of their two traffickers, the HKP escorted the victims to the airport where Philippine Consulate General officials met them.

(SBU) The HKP has also been providing protection to the two Filipinas who testified in court February 1-3. The two women stayed at an undisclosed shelter, and were escorted by officers to necessary appointments. One of the women is pregnant, and police accompanied her to doctor's visits.

-- B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting

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period.

(SBU) Six government-subsized NGO shelters serve victims of violence, abuse or exploitation, including trafficking victims. These centers provide temporary free accommodations and counseling to both local and foreign victims. Child trafficking victims can be admitted to several refuge centers specifically equipped to provide temporary services for children.

-- C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

(SBU) The Social Welfare Department (SWD) provides funding to six NGO-run shelters that also provide psychological assistance and access to legal and medical services. The Government-funded Family Crisis Support Center, operated by a local NGO, provides 24-hour support for victims. The Center offers counseling, a resource center, hotline service and referrals to community groups. Services provided by the center include short-term emergency accommodation, counseling, hotline service, a resource corner and self-learning facilities, and referrals to additional community support services.

(SBU) As reported in ref B, some local NGOs providing care to TIP victims have not asked for subsidies from the government because they have found their own resources to be adequate to support their clients. The HKG provides HKD 100 (USD 13) a day to victims it refers to NGOs.

(SBU) The Hong Kong Hospital Authority provides public medical and clinical psychological services to trafficking

victims, who enjoy the same rights as other patients. The Department of Health operates Female Social Hygiene Clinics, which offered free services to all female sex workers without asking about their legal status in Hong Kong.

-- D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

(SBU) All trafficking victims, regardless of nationality, are entitled to the short-term assistance and social services mentioned immediately above. Those remaining in Hong Kong prior to repatriation or to participate in criminal proceedings against traffickers are granted leave to remain by the Director of Immigration. This status does not allow the individual to work or study. Hong Kong law does not provide for issuing permanent residency status to foreign trafficking victims. As a result, the HKG will assist the victims to return to their home countries, including liaising with home country governments to ensure a smooth reintegration into society.

(SBU) The HKG in October 2009 contracted an NGO to provide a free-of-charge telephone interpretation service in English and seven ethnic minority languages. The service is available to all government departments that need assistance in handling cases involving foreigners who cannot speak Chinese.

-- E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

(SBU) The HKG collaborates closely with the local consulates and governments of victims' home countries to ensure the victims' needs, including protection for their families, are met.

-- F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

(SBU) The SWD and police have an established set of

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guidelines and procedures for joint handling of the investigation process and support services for all victims of abuse, including trafficking victims. SWD manages the referral of victims to the six government-subsidized shelters.

-- G. What is the total number of trafficking victims identified during the reporting period? (If available, please specify the type of exploitation of these victims - e.g. "The government identified X number of trafficking victims during the reporting period, Y of which were victims of trafficking for sexual exploitation and Z of which were victims of nonconsensual labor exploitation.) Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

(SBU) The HKG identified three trafficking victims during the reporting period, all of which were victims of trafficking for sexual exploitation. All three victims were referred to a local NGO who had staff that could communicate in the victims' native languages. The HKG provided HKD 100 (USD 13) a day to the victims while they were at the shelter. One of the victims learned she was pregnant while staying at the shelter, and the HKG has arranged for her to deliver the baby in Hong Kong free of charge.

-- H. Do the government's law enforcement, immigration, and

social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

(SBU) Hong Kong's law enforcement and social services personnel continued to look for certain indicators of exploitation/abuse to proactively identify potential trafficking victims among high-risk persons. These indicators and appropriate follow-up questions have been formalized into an Action Card to standardize debriefing of potential trafficking victims. Some of the indicators noted on the card include whether the person a) was in possession of identification and travel documents; b) appeared to have been coached on what to say; c) could freely contact family and friends; d) had been beaten or threatened; and e) was receiving any of the money he/she earned.

-- I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

(SBU) Persons determined to be trafficking victims are not detained, jailed, or prosecuted for violations of other laws.

-- J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

(SBU) HKG policy is to encourage victims to assist in the investigation and prosecution of trafficking cases, although in practice victims are reluctant to do so. One contributing factor might be the fact that victims are not allowed to work while waiting to testify in court. Victims, however, are allowed to leave the country pending trial proceedings. In the case of the Thai female who was deceived by a neighbor in traveling to Hong Kong, the victim was allowed to return to Thailand to take care of her young family. The HKP later paid for her to return to Hong Kong to further assist in their investigation. She is now back in Thailand but will return to Hong Kong to testify in court in March. The two Filipina victims identified during the reporting period testified in court in February.

(SBU) Under Hong Kong law, a victim may initiate civil proceedings for compensation arising from injuries/damages

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sustained as a result of unlawful or wrongful acts of the trafficker. Such a claim is considered a civil action between two private parties. Legal aid in the form of legal representation is available to eligible persons.

-- K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

(SBU) As mentioned above, Hong Kong law enforcement and immigration officers in 2009 received training on victim identification and assistance through several USG-sponsored courses and locally-organized seminars. The Hong Kong SAR does not maintain embassies or consulates abroad.

-- L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

(SBU) Although Hong Kong is not a point of origin for internationally trafficked men, women or children, all the assistance mentioned above are available to Hong Kong residents.

-- M. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

(SBU) Various NGOs involved in the promotion of the rights of sex workers and/or migrant workers provide varying levels of support to trafficking victims. International Social Service (ISS), with HKG consent, deploys Information Ambassadors (IAs) to meet every incoming flight from Southeast Asia that lands in Hong Kong from 9 a.m. to 9 p.m. The IAs distribute HKG-funded information kits produced in several of the most commonly-spoken Southeast Asian languages to passengers identified as potential victims of trafficking or other exploitation. ISS runs a hotline, provides interpretation, medical and counseling services, and helps arrange for shelter and access to legal counsel. Other NGOs such as Zi Teng, Action for Reach Out, International Organization for Migration, Diocesan Pastoral Centre for Filipinos, and Bethune House provide assistance and support to sex and migrant workers in Hong Kong.

Para 29 PREVENTION

-- A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)

(SBU) The Labor Department (LD) increased its efforts to educate the FDW population of their rights guaranteed by the Employment Ordinance. In addition to the normal mini-exhibitions and information kiosks staged in areas frequented by FDWs where pamphlets and videos in English, Tagalog, Indonesian, Thai, Sri Lankan and Chinese were distributed, LD also targeted Indonesian FDWs in an outreach campaign during Ramadan. LD handed out more than 6,000 flyers/DVDs in Victoria Park to Indonesian FDWs. LD organized a seminar for 200 employment agencies November 11 to educate them on handling passports, racial discrimination, and workers' rights. LD will enclose information brochures on how to treat foreign domestic workers in the electric bills sent to all households in Hong Kong.

(SBU) The HKG has designed a pamphlet for use in educating the public about human trafficking and encouraging people to

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report suspicious activities to the police. The HKG plans to print the pamphlets in Chinese, English, Thai, Tagalog and Indonesian and distribute them through local District Council

offices starting March 2010. The pamphlet provides tips to people coming to work in Hong Kong on how to protect themselves and where to seek help if they have become a trafficking victim.

-- B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

(SBU) The HKG devotes a significant amount of resources to monitoring immigration and emigration activities, to include evidence of trafficking. Law enforcement authorities have continued to apply stringent measures to screen for trafficking victims and suspected trafficking cases among visitors and illegal immigrants along borders. Immigration officers received training from US immigration officers and local NGO ISS on how to spot potential trafficking victims at the airport.

(SBU) Hong Kong immigration and customs officials continue to exchange intelligence about suspected illegal migration with mainland China, Macau and foreign counterparts. They maintain close and frequent contact with counterparts at consular missions accredited in Hong Kong. The various parties share information alerts and bulletins, including those related to anti-trafficking efforts.

-- C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

(SBU) The Joint Investigation Team (JIT) serves as Hong Kong's principal forum for regular intra-government communication on matters relating to human trafficking. JIT also coordinates with foreign counterparts and sends members to international forums and exchanges.

-- D. Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

(SBU) The Hong Kong government does not have an inter-departmental Action Plan to address human trafficking, but individual departments have programs and measures in place to address various aspects of tackling TIP.

-- E: Required of all Posts: What measures has the government taken during the reporting period to reduce the demand for commercial sex acts? (please see ref B, para. 9(3) for examples)

(SBU) Post is not aware of any new measures the HKG has taken to reduce the demand for commercial sex acts. While law enforcement agencies have tolerated the existence of "one woman brothels" -- a single sex worker of legal age and residency status operating independently -- all other forms of commercial sex are illegal.

-- F. Required of all Posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

(SBU) Although Post is not aware of any specific measures specifically aimed at reducing the participation of Hong Kong residents in international child sex tourism, Hong Kong residents have not previously been identified as participants in such activities.

-- G. Required of posts in countries that have contributed over 100 troops to international peacekeeping efforts (Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Brazil, Burkina Faso, Cameroon, Canada, Chile, China, Cote d'Ivoire, Croatia, Denmark, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Guatemala, India, Indonesia, Ireland, Italy, Jordan, Kenya,

Korea (ROK), Malawi, Malaysia, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Russia, Rwanda, Senegal, Slovakia, South Africa, Spain, Sri Lanka, Tanzania, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Yemen, Zambia, and Zimbabwe): What measures has the government adopted to ensure

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that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking or exploit victims of such trafficking? If posts do not provide an answer to this question, the Department may consider including a statement in the country assessment to the effect that "An assessment regarding Country X's efforts to ensure that its troops deployed abroad for international peacekeeping missions do not engage in or facilitate trafficking or exploit trafficking victims was unavailable for this reporting period."

(SBU) Not applicable to Hong Kong.

Para 30: PARTNERSHIPS

-- A. Does the government engage with other governments, civil society, and/or multilateral organizations to focus attention and devote resources to addressing human trafficking? If so, please provide details.

(SBU) Hong Kong continues to be an active participant in the main multilateral forums dealing with human smuggling, human trafficking and organized crime. During the reporting period, the HKG regularly engaged with Post and visiting USG officials on training and ways to address TIP. Hong Kong authorities worked closely with the Philippines and Thai governments to coordinate assistance and support to their nationals who became trafficking victims in Hong Kong in 2009. NGOs have reported to Post that the HKG has increased outreach to them in the past year.

-- B. What sort of international assistance does the government provide to other countries to address TIP?

(SBU) Post is not aware of any assistance the Hong Kong government provided to other countries to address TIP.

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15. (U) Hours spent on drafting this report cable:

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